IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 19950 of 2007(Y)

PETITIONER:

TOUR INDIA HOLIDAYS (P) LIMITED,
NEAR SMV SCHOOL, M.G.ROAD, THIRUVANANTHAPURAM,
REPRESENTED BY ITS EXECUTIVE DIRECTOR O.THOMAS.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:

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1. THE REGIONAL PROVIDENT FUND COMMISSIONER
(E & R), EPF ORGANIZATION, BHAVISHYANIDHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM.

2. THE ASSISTANT PROVIDENT FUND
COMMISSIONER AND RECOVERY OFFICER,
EPF ORGANIZATION, BHAVISHYANIDHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.

BY SMT. T.N. GIRIJA - SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.19950 OF 2007

DATED THIS THE 29th DAY OF JUNE, 2007

JUDGMENT

Against Ext.P1 order passed under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act 1952, the petitioner filed Ext.P2 appeal before the Appellate Tribunal along with an application for stay as well as for waiver of pre-deposit of the amount demanded. The matter is posted for hearing before the Tribunal on 14.9.2007. The complaint of the petitioner is that in the meanwhile, the 1st respondent has initiated proceedings under Section 8F(3) of the Act by issuing Ext.P4 prohibitory order to the petitioner's bank. The petitioner's contention is that before they could move the Tribunal for appropriate orders, it was not proper on the part of the 1st respondent to pass an order like Ext.P4.

2. I have heard the learned standing counsel for the Provident Fund Organisation also. The learned standing counsel would submit that in so far as the petitioner has not obtained interim orders from the Tribunal, the 1st respondent is perfectly entitled to invoke Section 8F (3) of the Act and pass Ext.P4 order.

3. Having heard both sides, I think that it was not just on the

part of the 1st respondent to invoke coercive proceedings especially when the Tribunal had already posted the matter on 14.9.07. Therefore, I direct that further coercive proceedings pursuant to Ext.P1 shall be kept in abeyance till the Tribunal considers the matter and passes orders on the petitions, filed by the petitioner along with the appeal, for stay of recovery of the disputed amount and for waiver of pre-deposit of the amount demanded as per Ext.P1.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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